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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,594	04/01/2004	Thomas Bethge	5562-104US	1155

7590 03/26/2007  
Richard C. Woodbridge, Esq.  
Synnestvedt Lechner & Woodbridge, LLP  
P.O. Box 592  
Princeton, NJ 08542-0592

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/815,594	Applicant(s) BETHGE ET AL.	
	Examiner Eric Culbreth	Art Unit 3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/11/05, 1/10/05, 4/1/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

a. There are two Figures 3a's and 3b's (see the second and fourth drawing sheet), which is confusing.

b. There is no Figure 3 nor a Figure 4 (page 4, lines 13-14 and 19-20; page 5, line 17); rather, there are Figures 3a-3d and Figures 4a-4b.

c. On page 4, lines 12-13 reference numeral 13 refers to a switching device, but on page 4, line 15, reference numeral 13 refers to an output side; a reference numeral should refer to only one part of the invention, and it is not seen how reference numeral 13 is an "output side".

d. Figure 2 should have arrows showing which way current or information is flowing regarding blocks B1 and B2.

e. Figures 3c and 3d are generally not clear (what do they represent).

f. Generally, Figures 3a-3d are not clear; it is not clear why the situation in Figure 3b would happen as opposed to Figure 3a, or what happened to parts B1 and A1 in Figure 3b (it seems like each of Figures 3a through 3b are each a different embodiment, but this is not clear).

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sliding roof adjusting device and window lifting device (claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because it should be on a clean sheet of paper, with no other text (i.e. "(Fig. 3a, 3b)" at the end of the abstract should be deleted. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

a. Page 2, lines 12-17 are awkward and not clear (possibly an incomplete sentence). (All of these objections refer to the clean copy of the amended specification submitted 4/1/04.)

b. On page 3, line 16 "fig." should be "Fig."

c. Page 4, last line to page 5, line 1 is unclear because it is an incomplete sentence.

d. On page 4, line 21 "connector" should be "connectors".

e. Page 5, lines 17-18 are an incomplete sentence.

f. On page 5, line 10 “, if” should be “. If” in order to form a complete sentence

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification for claim 2 (a storage battery) nor claim 3 (switches SW1 and SW2 being opener and reversing switches respectively) nor claim 7 (sliding roof adjusting device and window lifting device connected to the switching device) nor claim 8 (returning to the normal operating position after a predetermined time).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Generally, it is not clear how Figures 3a-3d and 4a-4d relate to Figures 1a-1b

(i.e., are these different embodiments? If not, how does, say, the invention change from Figure 3a to Figure 3b without reconstructing the invention in midtravel?).

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with lack of antecedent basis, improper grammar, and double inclusion, along with other instances of indefiniteness. The claims should be carefully reviewed and rewritten. Following are some instances of indefiniteness.

These rejections refer to the clean copy of the amended claims submitted 4/1/04.

- a. In claim 1, lines 1-2 "in particular" is indefinite, failing to positively identify structure.
- b. In claim 1, line 2 "vehicle seat" should not be capitalized.
- c. In claim 1, line 6 there is no antecedent basis for "the entry connections" (in line 3 there were called "input connections").
- d. In claim 1, line 7, there is no clear antecedent basis for "the vehicle".
- e. In claim 2, line 2 "supply voltage connections" should be "supply voltage contacts" to be consistent with claim 1.

f. Regarding claim 2, line 3, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

g. When claim 2, lines 3-4 recite "a storage battery or a battery", this is indefinite because it is not clear what the difference is between a storage battery and a battery (all batteries are storage batteries).

h. In claim 3, line 2, "for example" is indefinite as per the reasons given above.

i. In claim 3, line 2, the recitations of "an opener" and "a reversing switch" are indefinite because these types of switches have not been defined in the specification.

j. In claim 3, lines 3-4 there is no antecedent basis for "the first supply voltage contact".

k. In claim 3, line 4 there is no antecedent basis for "the first storage connection", as E1 was previously recited in the claims as a storage "hook-up", and a first storage hook-up was not previously recited.

m. In claim 3, lines 4-5, similarly there is no antecedent basis for "the second storage connection".

n. In claim 3, lines 5-6 there is no antecedent basis for "the first supply voltage connection", as A2 was previously the second storage connection in claim 3.

o. In claim 3, line 6 there is no antecedent basis for "the second entry connection".

- p. In claim 4, line 2, "connection" should be "connections".
- q. In claim 4, line 3 the recitation of "one of two supply voltage connections" is a double inclusion of the supply voltage connections recited earlier in the claim.
- r. In claim 6, line 2 "device(s)" should be "devices" (a plurality of control device would not make sense).
- s. In claim 6, line 2 also, "is/are" should be deleted (currently, claim 6 is an incomplete sentence).
- t. In claim 6, line 3 "and or" should apparently be "and/or"; at any rate, "and/or" is indefinite, failing to positively define structure.
- u. Claim 7 is indefinite because the structure in that claim is not even discussed in the specification. Nor is it discussed in the specification how this is accomplished.
- v. Similarly, claim 8 is indefinite because the structure is not discussed in the specification.

***Allowable Subject Matter***

- 10. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2nd paragraph, set forth in this Office action.
- 11. Claims 2-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kudo et al US 20060237960A1 discloses a system that increases current in an emergency.

Pajeta et al US006142564A, Bayley US006182783B1 and Hake et al US006478373B1 show seats that adjust in an emergency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth  
Primary Examiner  
Art Unit 3616



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